

RICHARD J. METZGER  
GENERAL COUNSEL

**EX-107**

RECEIVED

AUG 13 1997

FILED: 1964-10-10  
OFFICE OF THE ATTORNEY GENERAL

Re: Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection Through Physical Collocation for Special Access and Switched Transport; CC Docket No. 93-162 /  
-- Refund Plans; Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection Through Virtual Collocation for Special Access and Switched Transport; CC Docket No. 94-97

ALTS' opposition to the ILECs' physical collocation refund plans (filed on August 4th) has triggered such confused and inconsistent responses that I would like to clarify exactly what ALTS is actually requesting.

Second, ALTS absolutely has no wish to gain access to the competitively sensitive information of a CLEC unless that CLEC has previously agreed to such a disclosure. Accordingly, if any ILEC believes that providing aggregated traffic volumes to ALTS would involve such disclosure, it should identify the CLEC involved, and permit ALTS to first obtain that permission.

No. of Copies rec'd.  
List ABCDE

provide an intelligible refund plan, contrary to SBC's claims (letter of Mr. Jeffrey B. Thomas dated August 7, 1997, at 2: "The refund plans and subsequent refunds are to be based on the LEC tariff changes, and the Commission properly established the same date for oppositions to refund plans as for petitions to suspend and investigate the tariffs"). If the suspension process and refund plans were really one and the same, the separate provisions in the Refund Order devoted to each matter would make no sense.

NYNEX takes a similarly unfounded approach, but one which is completely inconsistent with SBC's (letter of Mr. Joseph Di Bella dated August 7, 1997). NYNEX asserts flatly that: "There is no need as this time for the Commission to review the actual refund calculations .... Under NYNEX's refund plan, NYNEX will calculate the refunds owed to each customer after the Commission has allowed the new collocation rates to go into effect"; emphasis supplied).

There is obviously no way both SBC and NYNEX can be correct concerning the operation of the refund plan, since SBC claims its refund plans relies upon its tariff filings and must be incorporated into the tariff suspension process, while NYNEX insists its plan will not even commence until after the new tariffs go into effect.

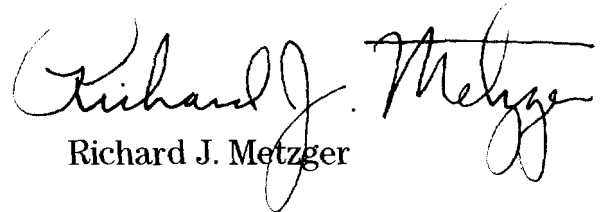
It bears repeating that CLECs would be delighted to discover their interpretation of the Refund Order is identical to that of each ILEC, and thus ALTS is seeking only the most efficient and least burdensome way to establish this fact. In particular, ALTS seeks spreadsheet data files for the refund calculations (with volumes omitted, if permission is not forthcoming from any affected CLECs) simply to provide quick, quantitative confirmation that each ILEC has correctly implemented the refunds required by the order.

If this was the intent of the Refund Order, ALTS respectfully asks that its request be granted. If, on the other, the ILECs are correct, ALTS apologizes for its misunderstanding, and respectfully requests that public comments be invited from affected parties concerning the structuring of the upcoming Virtual Collocation Refund Order so as to avoid similar confusion in the future.

Page 3

Please do not hesitate to call me if I can answer any questions.

Yours truly,

A handwritten signature in black ink, reading "Richard J. Metzger". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Richard J. Metzger

cc: P. D'Ari - FCC  
NYNEX - J. Di Bella  
SBC - J. Thomas